

Appl. No. 10/691,216
Amdt. dated May 22, 2007
Reply to Office Action of February 15, 2007

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Remarks

The present amendment responds to the Official Action dated February 15, 2007. A petition for a one month extension of time and authorization to charge our credit card the fee of \$120 for the one month extension are enclosed. The Official Action rejected claims 10-12 under 35 U.S.C. 101. Claims 1-18 were rejected under 35 U.S.C. 102(e) as unpatentable over Kuprionas U.S. Patent No. 6,948,168 ("Kuprionas").

These grounds of rejection are addressed below. Claim 1, 3, 7, and 9-18 have been amended to be more clear and distinct. Claims 1-18 are presently pending.

The Section 101 Rejections

The Official Action rejected claims 10-12 as being directed toward nonstatutory subject matter. With the present amendments to claims 10-12, this ground of rejection has been overcome and should be withdrawn.

The Art Rejections

All of the art rejections hinge on the application of Kuprionas, standing alone. As addressed in greater detail below, Kuprionas does not support the Official Action's reading of it and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Kuprionas made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

The Official Action rejected claims 1-18 under 35 U.S.C. 102(e) as unpatentable over Kuprionas. In light of the present amendments to claims 1, 9, 10, 13, and 16, this ground of rejection is respectfully traversed.

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Claim 1, as amended, addresses means for storing software and/or data that is to be made available to predetermined client nodes, and a list of identifiers. Each client node comprising a data processing device for which access to specified software or data may be allowed. Each identifier identifies one of the predetermined nodes, and the presence of each identifier on the list authorizes the predetermined client node associated with the identifier to be allowed access to the software and/or data. Claim 1 further claims a client application at each client node that is configured to identify whether the unique identifier for that node is included on the list. The client application allows access to the software and/or data by the client node at which the client application resides only if the identifier is included on the list.

These limitations in the claimed combination are not taught and are not made obvious by Kuprionas. Kuprionas teaches a system for delivering applications from a central server to one or more computers, and controlling delivery in such a way that a computer to which an application is to be delivered must be identified as licensed to receive the application. A network computer examines an identifier for a personal computer (PC) requesting installation of an application, and compares the identifier against a database of identifiers of PCs authorized to receive the application. Delivery of applications is controlled not by the PC receiving the application, but by the central computer delivering the applications. Claim 1, by contrast, addresses a client application at each client node, controlling access to software and/or data at that node. Such decentralized control of access allows for use with additional means of distribution, such as delivery on removable media such as compact discs, because the client node as claimed by claim 1 will verify its own authorization before accessing software or data, even if

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that software or data has been delivered to the client node. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Similarly, claim 9 addresses a method for controlling access to or distribution of software and/or data among a plurality of client nodes. The method comprises, inter alia, controlling the operation of each of a plurality of node so that the node examines the a list of identifiers and verifies that a unique identifier for the node appears on the list, the node loading or installing or using software and/or data only if the unique identifier for the node appears on the list. As noted above with respect to claim 1, Kuprionas does not teach and does not make obvious controlling the operation of a node so that the node verifies the appearance of an identifier on a list and loads, installs, or uses software and/or data only if the identifier appears on the list. Claim 9, as amended, therefore defines over the cited art and should be allowed.

Claim 10, as amended, claims a program storage device, readable by a machine, having thereon encoded instructions executable by the machine. The instructions include, inter alia, instructions for controlling the operation of a client node comprising the machine executing the instructions so that the machine accesses the software and/or data only if the unique identifier for the client node appears on the list of unique identifiers. As noted above with respect to claim 1, Kuprionas does not teach and does not make obvious controlling the operation of a node so that the node verifies the appearance of an identifier on a list and loads, installs, or uses software and/or data only if the identifier appears on the list. Claim 10, as amended, therefore defines over the cited art and should be allowed.

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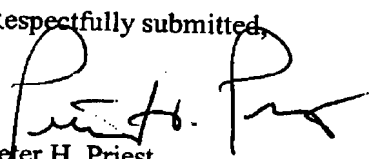
Claim 13, as amended, addresses, inter alia, means for controlling the operation of the data processing device so that the data processing device loads or installs or uses the software and/or data only if its own unique identifier is on the list of unique identifiers. Claim 16, as amended, addresses, inter alia, means for controlling the operation of a self-service terminal so that the self-service terminal loads or installs or uses software and/or data only if a unique identifier associated with the self-service terminal appears on a list of unique identifiers. As noted above with respect to claim 1 and 9, Kuprionas does not teach and does not make obvious controlling the operation of a device so that the device loads or installs or uses software and/or data only if a unique identifier associated with the device appears on a list. Instead, Kuprionas teaches the delivery of an application from a central server to an external device only if the external device is verified as authorized to receive the application. Claims 13 and 16, as amended, therefore define over the cited art and should be allowed.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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